

ADVISORY OPINION 92-05

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121. 135(4).

September 16, 1992

Hon. James B. Martin, Jr.  
Ogden , Newell, & Welch  
1200 One Riverfront Plaza  
Louisville, KY 40202-2973

Dear Mr. Martin:

On behalf of the Kentucky Dental Association, you have requested an Advisory Opinion from the Registry of Election Finance as to whether that organization may collect and pay over contributions to KDPAC through a single dues statement to members, with the PAC contribution earmarked on the statement. Also, you asked whether by doing so, would KDA then be subject to reporting requirements under the campaign finance laws.

It is our opinion that KDA may, in effect, "solicit" contributions to KDPAC through its dues statements to members. However, separate checks must be issued to KDA by the members for dues and KDPAC contributions. As you know, the Registry's position is that a single check method would constitute unlawful co-mingling of KDPAC funds with corporate funds. Further, the two check practice eliminates the possibility for receipt of corporate contributions by KDPAC. Provided that the funds are handled in this manner, your proposed arrangement would pose no violation of the Kentucky Constitution or campaign finance laws.

Thank you for attending the Registry meeting on Wednesday, September 30, 1992. As Mr. Keeton said, we will be happy to work with you any way that we can. If you have any questions, please give us a call.

Sincerely,

Timothy E. Shull  
General Counsel  
Registry of Election Finance